

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DIEGO AGUILAR, KENDALL CARNAHAN  
and MICHAEL OKAFOR on behalf of  
themselves and all others similarly situated,

Case No.: 1:25-cv-00880-CM-BCM

Plaintiffs,

v.

BATON CORPORATION LTD, d/b/a  
PUMP.FUN, ALON COHEN, DYLAN  
KERLER, and NOAH BERNHARD HUGO  
TWEEDALE, SOLANA LABS INC.,  
SOLANA FOUNDATION, JITO LABS INC.,  
JITO FOUNDATION, ANATOLY  
YAKOVENKO, RAJ GOKAL, DAN  
ALBERT, AUSTIN FEDERA, LILY LIU,  
LUCAS BRUDER, BRIAN SMITH,

Defendants.

**NOTICE OF MOTION TO DISMISS THE CONSOLIDATED AMENDED CLASS  
ACTION COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support and associated exhibit, Baton Corporation LTD, d/b/a/ Pump.Fun, moves this Court, before the Honorable Colleen McMahon, on a date and at a time to be determined by the Court, at the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order dismissing all claims asserted against it in the Consolidated Amended Class Action Complaint (“CAC”, ECF No. 34) in the above-referenced action with prejudice in accordance with Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), and for such other and further relief as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s June 25, 2025, Appointment of Lead Plaintiff and Lead Counsel Order (ECF No. 32) Plaintiffs shall file any

response to this motion no later than September 26, 2025, and Defendants shall file their replies in support of their motions no later than October 10, 2025.

Dated: September 5, 2025

Respectfully submitted,

**BROWN RUDNICK LLP**

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